

DJF:JJB:cer

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JORDON DONGARRA,	:	No. 3:18-CV-1939
Plaintiff		:
	:	
v.	:	(Caputo, J.)
	:	
OFFICER D. SMITH, et al.,	:	
Defendants		:
	:	(Electronically Filed)

**EXHIBITS IN SUPPORT OF THE BRIEF IN SUPPORT OF
DEFENDANT'S MOTION FOR DISMISS AND/OR
SUMMARY JUDGMENT**

DAVID J. FREED

United States Attorney

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J.Justin.blewitt@usdoj.gov

Date: June 13, 2019

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**DEFENDANT
EXHIBIT
1**

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JORDAN DONGARRA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 3:18-CV-1939
)	
vs.)	
)	
D.SMITH)	
)	
Defendant.)	

DECLARATION OF MICHAEL FIGGSGANTER

I, Michael FiggsGanter, do hereby declare as follows:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as an Attorney Advisor at the United States Penitentiary (“USP”) in Lewisburg, Pennsylvania. I have been employed by the BOP since September 2013.
2. I certify the documents attached to this declaration:
 - a. are true and correct copies of records maintained by the BOP;
 - b. were created at or near the time of the occurrence of the matters reflected therein by someone with knowledge; and
 - c. were made by the BOP as a regular practice.

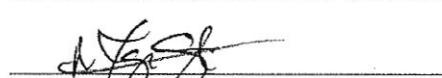
I am a custodian of the documents or am otherwise qualified to execute this certification, pursuant to Fed. R. Evid. 803(6) and 902(11).

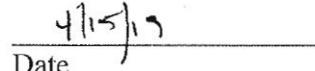
3. Provided as Attachment A is a copy of Administrative Remedy Generalized Retrieval.
4. The BOP has established a multi-tier system whereby a federal prisoner may seek formal review of any aspect of his imprisonment. See 28 C.F.R. §§ 542.10-542.19 (2005). First, all inmates shall formally present their complaints to staff, and staff shall informally resolve any issues before an inmate files a request for Administrative Remedy. Id. at §542.13(a). Second, if an inmate is unable to informally resolve his complaint, he may file a formal written complaint [to the Warden], on the appropriate form within twenty (20) calendar days of the date on which was the basis of complaint occurred. Id. at §542.14(a). In the event the inmate is dissatisfied with the Warden’s response, he may file an appeal to the Region Director within twenty (20) calendar days. Id. at § 542.15(a). Finally, if the inmate is dissatisfied with the Regional Director’s response, that decision may be appealed to the General Counsel (Central Office) within thirty (30) calendar days from the date of

the Regional Director's response. Id. The Regional Director has thirty (30) calendar days to respond and the General Counsel has forty (40) calendar days to respond. Id. at 542.18.

5. When the BOP rejects an administrative remedy, the submission is returned to the inmate. The BOP does not retain a copy of the rejection filings. 28 C.F.R. §542.17.
6. Each administrative remedy filed by an inmate is given an identification number upon submission. Each number is assigned a corresponding letter representing the level at which that particular remedy was filed. The letter "F" means the remedy was filed with the warden at the institution level. The letter "R" indicates that this remedy was filed with the Regional Director, and the letter "A" means the remedy was filed with the Central Office. If there is a number following the assigned letter it is there to indicate how many times that remedy was filed or re-filed at that specific level.
7. Attached hereto is a true and correct copy of inmate Dongarra's Administrative Remedy Generalized Retrieval information. A review of this information provides that inmate Dongarra filed only one administrative remedy related to the issues described in the associated complaint. This remedy is identified as Remedy Identification #: 954194 R-1. A review of the provided information indicates that this administrative request was rejected for failing to follow the appropriate filing procedures as reflected by the rejection codes "INS". See Attachment A, Administrative Remedy Generalized Retrieval, Administrative Remedy#: 954194 R-1.
8. A further review provides that inmate Dongarra filed no additional administrative remedy correcting his previous insufficient filing, nor any other administrative remedy related to the issue raised in the submitted complaint.
9. Therefore, it is readily apparent that this complaint should be dismissed for a failure to exhaust the administrative remedies as required by law.

I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.


Michael Figgs Ganter
Attorney Advisor
USP Lewisburg


Date

**DEFENDANT
EXHIBIT
Attach A**

LEWAI *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-01-2019
 PAGE 001 OF 09:15:41

FUNCTION: L-P SCOPE: REG EQ 60707-060 OUTPUT FORMAT: FULL
 -----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----
 DT RCV: FROM _____ THRU _____ DT STS: FROM _____ THRU _____
 DT STS: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT RDU
 DT TDU: FROM _____ TO _____ DAYS BEFORE "OR" FROM _____ TO _____ DAYS AFTER DT TRT
 STS/REAS: _____
 SUBJECTS: _____
 EXTENDED: _____ REMEDY LEVEL: _____ RECEIPT: _____ "OR" EXTENSION: _____
 RCV OFC : EQ _____
 TRACK: DEPT: _____
 PERSON: _____
 TYPE: _____
 EVNT FACL: EQ _____
 RCV FACL.: EQ _____
 RCV UN/LC: EQ _____
 RCV QTR.: EQ _____
 ORIG FACL: EQ _____
 ORG UN/LC: EQ _____
 ORIG QTR.: EQ _____

G0002 MORE PAGES TO FOLLOW . . .

LEWAI *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-01-2019
PAGE 002 OF * FULL SCREEN FORMAT * 09:15:41

REGNO: 60707-060 NAME: DONGARRA, JORDAN
RSP OF...: CAA UNT/LOC/DST: D1-RDAP QTR.: Z03-131UAD RCV OFC: NER
REMEDY ID: 954194-R1 SUB1: 34AM SUB2: DATE RCV: 09-17-2018
UNT RCV.:D1-RDAP QTR RCV.: D01-124L FACL RCV: CAA
UNT ORG.:D1-RDAP QTR ORG.: D01-124L FACL ORG: CAA
EVT FACL.: CAA ACC LEV: RESP DUE:
ABSTRACT.: STAFF COMPLAINT WAS GIVEN A THP T SHIRT ON 8-10-18
STATUS DT: 09-20-2018 STATUS CODE: REJ STATUS REASON: INS
INCRPTNO.: RCT: EXT: DATE ENTD: 09-20-2018
REMARKS...:

REGNO: 60707-060 NAME: DONGARRA, JORDAN
RSP OF...: CAA UNT/LOC/DST: D1-RDAP QTR.: Z03-131UAD RCV OFC: NER
REMEDY ID: 966498-R1 SUB1: 20DM SUB2: DATE RCV: 01-31-2019
UNT RCV.:E2 UNIT QTR RCV.: E04-210U FACL RCV: CAA
UNT ORG.:E2 UNIT QTR ORG.: E04-210U FACL ORG: CAA
EVT FACL.: CAA ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 02-04-2019 STATUS CODE: REJ STATUS REASON: ONE LEG OTH RSR
INCRPTNO.: 3204951 RCT: EXT: DATE ENTD: 02-04-2019
REMARKS...: THE ORIGINAL CONTINUATION PAGE EXCEEDS THE 8 1/2 BY
11 SIZE LIMIT. ALSO, PAGES 2, 3, AND 4 OF THE BP10
ARE NOT LEGIBLE

G0002 MORE PAGES TO FOLLOW . . .

LEWAI *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 03-01-2019
PAGE 003 OF 003 * FULL SCREEN FORMAT * 09:15:41

REGNO: 60707-060 NAME: DONGARRA, JORDAN
RSP OF...: CAA UNT/LOC/DST: D1-RDAP QTR.: Z03-131UAD RCV OFC: NER
REMEDIY ID: 966498-R2 SUB1: 20DM SUB2: DATE RCV: 02-14-2019
UNT RCV..: E2 UNIT QTR RCV.: E04-210U FACL RCV: CAA
UNT ORG..: E2 UNIT QTR ORG.: E04-210U FACL ORG: CAA
EVT FACL.: CAA ACC LEV: RESP DUE:
ABSTRACT.: DHO APPEAL
STATUS DT: 02-14-2019 STATUS CODE: REJ STATUS REASON: DIR OTH RSR
INCRPTNO.: 3204951 RCT: EXT: DATE ENTD: 02-14-2019
REMARKS...: THIS OFFICE IS NOT PERMITTED TO ALTER YOUR APPEAL.
YOUR CONINUATION PAGES IS TOO LONG AND THE COPIES
ARE MORE THAN 1 PAGE. YOU MUST CORRECT THIS.

REGNO: 60707-060 NAME: DONGARRA, JORDAN
RSP OF...: CAA UNT/LOC/DST: D1-RDAP QTR.: Z03-131UAD RCV OFC: CAA
REMEDIY ID: 968988-F1 SUB1: 15DM SUB2: DATE RCV: 02-26-2019
UNT RCV..: D1-RDAP QTR RCV.: D01-116L FACL RCV: CAA
UNT ORG..: D1-RDAP QTR ORG.: D01-116L FACL ORG: CAA
EVT FACL.: CAA ACC LEV: RESP DUE:
ABSTRACT.: I/M WANTS 1 YEAR OFF SENTENCE FOR RDAP COMPLETATION
STATUS DT: 02-26-2019 STATUS CODE: REJ STATUS REASON: ONE
INCRPTNO.: RCT: EXT: DATE ENTD: 02-26-2019
REMARKS...:

G0000 4 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

REJECTION STATUS REASON CODES
10/30/02

CODE CODE
STS REA

DESCRIPTION

- REJ ATT YOU DID NOT SUBMIT THE CORRECT NO. OF COPIES OF THE ATTACHMENTS (NEW DOCUMENTATION NOT CONSIDERED BY LOWER LEVELS). 2 AT INSTITUTION; 3 AT REGION; AND 4 AT CENTRAL OFFICE. THE NUMBER CITED INCLUDES YOUR ORIGINAL.
- REJ CDC YOU MUST WAIT FOR THE CCM'S DECISION OF THE CDC HEARING BEFORE YOU MAY APPEAL TO THE REGIONAL OFFICE. RESUBMIT YOUR APPEAL TO THIS OFFICE WITHIN 30 DAYS OF THE CCM'S DECISION.
- REJ CON YOU DID NOT SUBMIT YOUR REQUEST THROUGH YOUR COUNSELOR, OR OTHER AUTHORIZED PERSON.
- REJ CPG YOU DID NOT SUBMIT PROPER NUMBER OF CONTINUATION PAGES WITH YOUR REQUEST/APPEAL. 2 - WARDEN'S LEVEL; 3 - REGIONAL LEVEL; AND 4 --CENTRAL OFFICE LEVEL. THE NUMBER CITED INCLUDES YOUR ORIGINAL.
- REJ DHO YOU DID NOT PROVIDE A COPY OF THE DHO REPORT YOU WISH TO APPEAL OR IDENTIFY THE CHARGES AND DATE OF THE DHO ACTION.
- REJ DHR YOU MUST WAIT FOR THE DHO'S DECISION OF THE DHO HEARING BEFORE YOU MAY APPEAL TO THE REGIONAL OFFICE.. RESUBMIT YOUR APPEAL TO THIS OFFICE WITHIN 20 DAYS OF THE DATE YOU RECEIVE THE DHO'S DECISION.
- REJ FRM YOU DID NOT SUBMIT YOUR REQUEST OR APPEAL ON THE PROPER FORM (BP-9, BP-10, BP-11) (CIRCLE ONE).
- REJ IAT YOU DID NOT PROVIDE A COPY OF THE ATTACHMENTS TO YOUR INSTITUTION ADMINISTRATIVE REMEDY REQUEST (BP-9).
- REJ INF YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR TO SUBMISSION OF ADMINISTRATIVE REMEDY, OR YOU DID NOT PROVIDE THE NECESSARY EVIDENCE OF YOUR ATTEMPT AT INFORMAL RESOLUTION.
- REJ INS YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL AT THIS LEVEL.

TRM 1301.02
October 3, 1997
Part 2, Section E, Page e-2

REJ CDC YOU MUST WAIT FOR THE CCM'S DECISION OF THE CDC HEARING BEFORE YOU MAY APPEAL TO THE REGIONAL OFFICE. RESUBMIT YOUR APPEAL TO THIS OFFICE WITHIN 30 DAYS OF THE CCM'S DECISION.

REJ CON YOU DID NOT SUBMIT YOUR REQUEST THROUGH YOUR COUNSELOR, OR OTHER AUTHORIZED PERSON.

REJ CPG YOU DID NOT SUBMIT THE PROPER NUMBER OF CONTINUATION PAGES. YOU MUST SUBMIT ONE COPY AT THE WARDEN'S LEVEL; TWO COPIES AT THE REGIONAL DIRECTOR'S LEVEL; AND THREE COPIES AT THE CENTRAL OFFICE LEVEL.

REJ DHO YOU DID NOT PROVIDE A COPY OF THE DHO REPORT; OR YOU DID NOT OTHERWISE IDENTIFY THE CHARGES AND DATE OF THE DHO ACTION YOU ARE APPEALING.

REJ DHR YOU MUST WAIT FOR THE DHO'S DECISION OF THE DHO HEARING BEFORE YOU MAY APPEAL TO THE REGIONAL OFFICE. RESUBMIT YOUR APPEAL TO THIS OFFICE WITHIN 20 DAYS OF THE DATE YOU RECEIVE THE DHO'S DECISION.

REJ EXH YOU DID NOT SUBMIT THE PROPER NUMBER OF EXHIBITS. YOU MUST SUBMIT ONE COPY AT THE WARDEN'S LEVEL; TWO COPIES AT THE REGIONAL DIRECTOR'S LEVEL; AND THREE COPIES AT THE CENTRAL OFFICE LEVEL.

REJ FRM YOU DID NOT SUBMIT YOUR REQUEST OR APPEAL ON THE PROPER FORM (BP-9, BP-10, BP-11).

TRM 1301.02

October 3, 1997

Part 2, Section E, Page e-3

REJ IAT YOU DID NOT PROVIDE A COPY OF THE ATTACHMENT(S) TO YOUR INSTITUTION ADMINISTRATIVE REMEDY REQUEST (BP-9).

REJ IMP IMPROPER SUBJECT MATTER (FOI/PA REQUEST, ETC.)

REJ INF YOU DID NOT ATTEMPT INFORMAL RESOLUTION PRIOR TO SUBMISSION OF ADMINISTRATIVE REMEDY, OR YOU DID NOT PROVIDE THE NECESSARY EVIDENCE OF YOUR ATTEMPT AT INFORMAL RESOLUTION.

REJ INS YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL AT THIS LEVEL.

REJ IRQ YOU DID NOT PROVIDE A COPY OF YOUR INSTITUTION ADMINISTRATIVE REMEDY REQUEST (BP-9), OR A RECEIPT, OR YOU DID NOT PROVIDE A VERIFIED PHOTOCOPY.

REJ MLT YOU ARE APPEALING MORE THAN ONE INCIDENT REPORT (INCIDENT NUMBER) ON A SINGLE APPEAL FORM. YOU MUST FILE A SEPARATE APPEAL FOR EACH INCIDENT REPORT (INCIDENT NUMBER) YOU WISH TO APPEAL.

REJ MSI YOU MUST PROVIDE MORE SPECIFIC INFORMATION ABOUT YOUR REQUEST/APPEAL SO THAT IT MAY BE CONSIDERED.

REJ OBS YOUR REQUEST CONTAINS GRATUITOUS OBSCENE OR ABUSIVE LANGUAGE.

TRM 1301.02
October 3, 1997
Part 2, Section E, Page e-4

REJ ONE YOU MAY ONLY SUBMIT UP TO ONE LETTER-SIZE (8 1/2" X 11") CONTINUATION PAGE.

REJ OTH SEE REMARKS.

REJ QUA YOU DID NOT SUBMIT A COMPLETE SET (4 CARBONIZED COPIES) OF THE REQUEST OR APPEAL FORM.

REJ RAP YOU DID NOT PROVIDE A COPY OF THE REGIONAL APPEAL, OR A RECEIPT, OR YOU DID NOT PROVIDE A VERIFIED PHOTOCOPY.

REJ RAT YOU DID NOT PROVIDE A COPY OF THE ATTACHMENT(S) TO YOUR REGIONAL APPEAL.

REJ RSA YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 15 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REJ RSF YOU MAY RESUBMIT YOUR REQUEST IN PROPER FORM WITHIN 5 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REJ RSR YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN 10 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REJ SEN THE ISSUE YOU RAISE IS NOT A SENSITIVE ISSUE. YOUR REQUEST/APPEAL IS NOT BEING RETURNED TO YOU IN ACCORDANCE WITH POLICY.

REJECTION STATUS REASON CODES
10/30/02

CODE STS	CODE REA	DESCRIPTION
REJ	SEN	THE ISSUE YOU RAISED IS NOT SENSITIVE. HOWEVER, WE RETAINED YOUR REQUEST/APPEAL ACCORDING TO POLICY. YOU SHOULD FILE A REQUEST OR APPEAL AT THE APPROPRIATE LEVEL VIA REGULAR PROCEDURES.
REJ	SIG	YOU DID NOT SIGN YOUR REQUEST OR APPEAL.
REJ	UTA	YOUR APPEAL IS UNTIMELY. CENTRAL OFFICE APPEALS MUST BE RECEIVED WITHIN 30 DAYS OF THE REGIONAL DIRECTOR'S RESPONSE. THIS TIME LIMIT INCLUDES MAIL TIME.
REJ	UTF	YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS (BP-09) MUST BE RECEIVED W/20 DAYS OF THE EVENT COMPLAINED ABOUT.
REJ	UTR	YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS (BP-10) MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN/CCM RESPONSE OR RECEIPT OF THE DHO REPORT. THIS TIME INCLUDES MAIL TIME.
REJ	WRL	YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE WRONG LEVEL. YOU SHOULD HAVE FILED AT THE INSTITUTION, REGIONAL OFFICE, OR CENTRAL OFFICE LEVEL.

TRM 1301.02

October 3, 1997

Part 2, Section E, Page e-5

REJ SIG YOU DID NOT SIGN YOUR REQUEST OR APPEAL.

REJ UTA YOUR APPEAL IS UNTIMELY. CENTRAL OFFICE APPEALS MUST BE RECEIVED WITHIN 30 DAYS OF THE REGIONAL DIRECTOR'S RESPONSE. THIS TIME LIMIT INCLUDES MAIL TIME.

REJ UTF YOUR REQUEST IS UNTIMELY. INSTITUTION AND CCC REQUESTS MUST BE RECEIVED WITHIN 20 DAYS OF THE EVENT COMPLAINED ABOUT.

REJ UTR YOUR APPEAL IS UNTIMELY. REGIONAL APPEALS MUST BE RECEIVED WITHIN 20 DAYS OF THE WARDEN'S OR CCM'S RESPONSE. THIS TIME LIMIT INCLUDES MAIL TIME.

REJ WRL YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE WRONG LEVEL OR WRONG OFFICE.



U.S. Department of Justice

Federal Bureau of Prisons

Washington, DC 20534

December 4, 2014

MEMORANDUM FOR ADMINISTRATIVE REMEDY COORDINATORS AND
ADMINISTRATIVE REMEDY CLERKS

FROM: Acting Administrator *R. Rodriguez*
National Inmate Appeals

SUBJECT: Additions to SENTRY Administrative Remedy
Status Reason Codes

The following additions have been made to the SENTRY Administrative Remedy Status Reason Table. Please disseminate this memorandum to all staff involved in entering administrative remedy requests or appeals into SENTRY.

<u>STATUS</u>	<u>REASON</u>	
<u>CODE</u>	<u>CODE</u>	<u>DESCRIPTION</u>
REJ	MEM	PROVIDE STAFF VERIFICATION STATING REASON UNTIMELY FILING WAS NOT YOUR FAULT.
REJ	LEG	ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL NOT BE ACCEPTED.
REJ	RJA	YOUR APPEAL OF THE REJECTION IS UNTIMELY. RESUBMISSIONS ARE DUE WITHIN: 5 DAYS (INSTITUTION); 10 DAYS (CCM OR REGIONAL OFFICE); 15 DAYS (CENTRAL OFFICE). SUBMIT STAFF MEMO ON BOP LETTERHEAD STATING REASON UNTIMELY FILING WASN'T YOUR FAULT.
REJ	DIR	CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION NOTICES.
REJ	RVW	DUE TO YOUR ALLEGATIONS, YOUR APPEAL IS BEING FORWARDED TO ANOTHER DEPARTMENT FOR REVIEW; HOWEVER, YOUR APPEAL WAS RETAINED IN ACCORDANCE WITH POLICY.
REJ	PRV	YOUR ISSUE IS NOT APPEALABLE TO THE BOP. YOU MUST USE THE GRIEVANCE PROCEDURES AT YOUR FACILITY.

<u>STATUS</u>	<u>REASON</u>	
<u>CODE</u>	<u>CODE</u>	
REJ	ENG	YOU MAY REQUEST STAFF ASSISTANCE IN PREPARING YOUR REQUEST OR APPEAL IN ENGLISH.

The following rejection code was revised:

REJ	MSI	YOU MUST PROVIDE MORE SPECIFIC INFORMATION (E.G. CASE NO.) ABOUT YOUR REQUEST/APPEAL SO IT MAY BE CONSIDERED.
-----	-----	---

Please contact our office at (202) 514-2625 should you have any questions or need additional information.

DEFENDANT
EXHIBIT
3

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

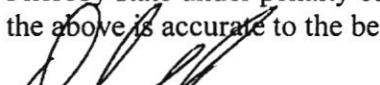
JORDAN DONGARRA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 3:18-CV-1939
)	
vs.)	
)	
D.SMITH)	
)	
Defendant.)	

DECLARATION OF CORRECTIONAL OFFICER DAVID SMITH

I, David Smith, do hereby declare as follows:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as a Correctional Officer at the United States Penitentiary Canaan, located in Waymart, Pennsylvania.
2. I certify the documents attached to this declaration:
 - a. are true and correct copies of records maintained by the BOP;
 - b. were created at or near the time of the occurrence of the matters reflected therein by someone with knowledge; and
 - c. were made by the BOP as a regular practice.

I am a custodian of the documents or am otherwise qualified to execute this certification, pursuant to Fed. R. Evid. 803(6) and 902(11).
3. I have obtained and reviewed my roster assignments for August 10, 2018 and I am providing a copy of the roster as Attachment A.
4. A review of this material indicates that I was working as Compound Officer #2 on the date referenced to in the complaint. See Attachment A, Daily Assignment Roster for Friday August 10, 2018.
5. Additionally, I assert that I had no contact with inmate Dongarra on August 10, 2018, nor did I work in the Receiving and Departure (“R&D”) Department on the date referenced to in the complaint.
6. I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.


 David Smith
 Correctional Officer

4-17-2019
 Date

EXHIBIT

Attach A

Friday August 10, 2018

Page 1

****READ ONLY****

**United States Penitentiary
Canaan, Pennsylvania
Daily Assignment Roster**

3 07:30 - 15:30
4 07:30 - 16:00
5 08:00 - 16:00

9 07:00 - 15:00

6 14:00 - 22:00

8 16:00 - 00:00

Post	Split Shift				
	1 00:00 - 08:00				
	7 22:00 - 06:00				
		2 06:00 - 14:00			
			3 07:30 - 15:30		
			4 07:30 - 16:00		
			5 08:00 - 16:00		
			9 07:00 - 15:00		
				6 14:00 - 22:00	
					8 16:00 - 00:00
CAPTAIN					
CAPTAIN SEC					
EPO					
ADMIN LT					
OPS LT					
ACTIVITIES LT					
SECURITY OFF #1					
SECURITY OFF #2					
QUARTERS LT					
SIA					
SIS LT #1					
SIS LT #2					
SIS LT #3					
SIS TECH #2					
SIS TECH #3					
INMATE COMM MON					
CONTROL #1					
CONTROL #2					
SHU LT					
SHU #1					
SHU #2					
SHU #3					
SHU #4					
SHU #5					
SHU #6					
SHU REC					
SHU PROPERTY					
COMPOUND #1					
COMPOUND #2				6 Smith, dave	
COMPOUND #3					
GREEN CORR #1					
GREEN CORR #2					
GREEN CORR #3					
GOLD CORR #1					
GOLD CORR #2					
PERIMETER PAT#1					
CENTER TWR/ICM					
CENTER TWR #2					
FRONT LOBBY					
SCREENING SITE					
REAR GATE TOWER					

****READ ONLY****Friday August 10, 2018
Page 2

REAR GATE	
TOOL ROOM	
BUS LT	
BUS OFC #1	
BUS OFC #2	
UNIT A-1	Eisenmann, J
UNIT A-2	Kulick, D
UNIT B-1	Sandrowicz, A
UNIT B-2	Zeshonski, T
UNIT C-1	Sykes, T
UNIT C-2	Burge, T
UNIT D-1	Phillips, D (NC)
UNIT D-2	Gabell, R
UNIT E-1	Koza, b**
UNIT E-2	Mrozowski, D
UNIT F-1	Modrow, S
UNIT F-2	Smith, J**
CAMP OFFICER	Stark, Z
UNIT A-1 #2	
UNIT A-2 #2	
UNIT B-1 #2	
UNIT B-2 #2	
UNIT C-1 #2	
UNIT C-2 #2	
UNIT D-1 #2	
UNIT D-2 #2	
UNIT E-1 #2	
UNIT E-2 #2	
UNIT F-1 #2	
UNIT F-2 #2	
VISITING #1	
VISITING #2	
VISITING #3	
VISITING #4	
EXTERNAL #1	
EXTERNAL #2	
SHIFT RELIEF #1	
SHIFT RELIEF #2	
SHIFT RELIEF #5	

******Special Assignments******

LT #1 TAD

26/2019 11:59:57 AM

****READ ONLY****

Friday August 10, 2018
Page 3

SIS TECH #1
SHIFT RELIEF
DUNN WAYNE #1

DUNN WAYNE #2

EMER. MED TRP 1

EMER MED TRP 2

******Back Page Categories******

DAY OFF

[REDACTED]

ANNUAL LEAVE

[REDACTED]

SICK LEAVE

[REDACTED]

FFLA

[REDACTED]

MILITARY LEAVE

[REDACTED]

MILITARY / LWOP

[REDACTED]

TOA

[REDACTED]

FOOD SERV LOAN

[REDACTED]

****READ ONLY****Friday August 10, 2018
Page 4**AWOL**

Swingle, A

LWOPCollier, J
08:00 12:00

Hale, J

Margotta,F

Stein, J

OFFICIAL TIME

Hayden, E

Moran, m**

Pellicano,J

F/A TRN GLYNCO

Vinton,s*

ADMIN LEAVE

Berkhiser, j**

******Change Records******

Post	Split	Shft	Officer	Relieved Officer's New Status	Relieving Officer	Relieving Officer's Previous Status	Ret Shft	Changed By
UNIT F-1 #2	2		MCLEAN, B**	F/A TRN GLYNCO	<Unassigned>			LM 7/24 14:07
UNIT B-1 #2	2		VINTON,S**	F/A TRN GLYNCO	<Unassigned>			LM 7/24 14:08
(sp)SIS TECH #1	2		<Unassigned>		HAYDOCK, M	Day Off		JG 7/24 15:46
UNIT B-1	8		YOUNG, M **	Annual Leave	SANDROWICZ, A	8 SHIFT RELIEF(sp)		CH 7/24 20:20
(sp)SHIFT RELIEF	6		<Unassigned>		CASE, J	MILITARY LEAVE		CH 7/25 19:21
COMPOUND #3	6		MELLAS, M**	SHIFT RELIEF 6(sp)	CASE, J	[SWAP]		CH 7/25 19:21
Assignment Swap								
MILITARY LEAVE	0		EVERSON, S**	Annual Leave				JT 7/28 11:30
GOLD CORR #2	2		NARDONE	SHU #5 2	SEBASTIANELLI,*	[SWAP]		JT 7/28 13:22
Assignment Swap								
INMATE COMM MON	6		CONDILLA, R	SHU #3 6	BURGH, A	[SWAP]		CH 7/29 19:43
Assignment Swap								
OPS LT	5		TUTINO, J **	Day Off	WEAVER, C**	2 ACTIVITIES LT		LM 7/31 06:41
ACTIVITIES LT	2		<Unassigned>		BODGE, B**	2 SIS LT #1		LM 7/31 06:42
Day Off	0		DONVITO, M**	FRONT LOBBY 6	McCARTHY, K	[SWAP]		CH 7/31 21:32
Assignment Swap								
GREEN CORR #1	1		POWELL, N **	SHIFT RELIEF 1(sp)	PETERSON, B	[SWAP]		SB 8/1 02:01
Assignment Swap								
GREEN CORR #3	2		LUECKE, S	CONTROL #2 6	DEGRAZIA, A	[SWAP]		JT 8/2 19:52
Assignment Swap								
UNIT C-2	5		SWIFT, R	UNIT C-1 #2 7	BESTEN, A***	[SWAP]		CW 8/3 12:10
Assignment Swap								
UNIT A-1 #2	2		ALOGNA, J **	VISITING #2 5	MYERS, F	[SWAP]		BB 8/3 12:45
Assignment Swap AGREED TO SWITCH								
UNIT F-1 #2	2		<Unassigned>		SAMSON, T	2 SHU #4		SH 8/4 08:41
SHU #4	2		<Unassigned>		DEMAS, D	FMLA		SH 8/4 08:42
REAR GATE TOWER	9		ATCAVAGE, R **	FFLA	<Unassigned>			LG 8/6 09:28
BUS LT	5		HEALEY, J **	Annual Leave	<Unassigned>			JH 8/6 19:02
COMPOUND #3	2		SUCHODOLSKI **	Day Off	<Unassigned>			DS 8/7 12:40
UNIT B-1 #2	2		<Unassigned>		PRICE, B	6 SHU #4	Y	LG 8/8 09:41
					Shift UNIT B-1 #2 SHU #4	Staff PRICE, B PRICE, B	OT/CT OT	Start End

26/2019 12:00:02 PM

****READ ONLY****

Friday August 10, 2018

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Post	Split	Shft	Officer	Relieved Officer's New Status	Relieving Officer	Relieving Officer's Previous Status	Ret Shft	Changed By
COMPOUND #3	2	<Unassigned>			PHILLIPS, J	6 ACTIVITIES LT	Y	LG 8/8 09:42
				Shift COMPOUND #3 ACTIVITIES LT	Staff PHILLIPS, J PHILLIPS, J		OT/CT Start	End OT
REAR GATE TOWER	9	<Unassigned>			SWINGLE, B	8 PERIMETER PAT#1	Y	LG 8/8 09:44
				Shift REAR GATE TOWER PERIMETER PAT#1	Staff SWINGLE, B SWINGLE, B		OT/CT Start	End OT
F/A TRN GLYNCO	0	McLEAN, B**		Annual Leave				JB 8/9 07:54
	Requested and was authorized annual leave.							
CAPTAIN	5	BERKIHISER, J		ADMIN LEAVE	<Unassigned>			JB 8/9 08:17
	Approved Admin Leave							
(sp)SHIFT RELIEF	5	<Unassigned>			POWELL, N **	1 SHIFT RELIEF(sp)		CW 8/9 08:26
(sp)SHIFT RELIEF	7	<Unassigned>			POWELL, N **	5 SHIFT RELIEF(sp)		CW 8/9 08:26
SIS LT #1	2	<Unassigned>			BODGE, B**	2 ACTIVITIES LT		LG 8/9 12:03
[Sick / Annual]		PHILLIPS, J		[Removed]				LG 8/9 12:12
COMPOUND #3	2	PHILLIPS, J		[Sick / Annual]	<Unassigned>			LG 8/9 12:12
ACTIVITIES LT	2	<Unassigned>			PHILLIPS, J	6 ACTIVITIES LT	Y	LG 8/9 12:13
				Shift ACTIVITIES LT ACTIVITIES LT	Staff PHILLIPS, J PHILLIPS, J		OT/CT Start	End OT
COMPOUND #3	2	<Unassigned>			LEOMBRUNI, R	6 UNIT F-1 #2	Y	LG 8/9 12:15
				Shift COMPOUND #3 UNIT F-1 #2	Staff LEOMBRUNI, R LEOMBRUNI, R		OT/CT Start	End OT
UNIT C-2	1	FRANKOSKY, J		Sick Leave	<Unassigned>			SH 8/9 16:18
UNIT E-2 #2	6	CRUZ, J **		Sick Leave	<Unassigned>			SH 8/9 16:25
UNIT E-2 #2	6	<Unassigned>			MELLAS, M**	6 SHIFT RELIEF(sp)		SH 8/9 16:25
CENTER TWR #2	2	CONNOR, jon		Sick Leave	<Unassigned>			SH 8/9 16:41
CENTER TWR #2	2	<Unassigned>			PAVIGLIANTI, B	Day Off	Y	SH 8/9 16:43
				Shift CENTER TWR #2 Day Off	Staff PAVIGLIANTI, B PAVIGLIANTI, B		OT/CT Start	End OT 06:00 14:00
[Inserted NCS]		OLVER, T		[Sick/Annual]				SH 8/9 17:15
UNIT C-2	1	<Unassigned>			OLVER, T	[Sick / Annual]		SH 8/9 17:15
SHIFT RELIEF #1	7	BRZYCKI, M		Sick Leave	<Unassigned>			SH 8/9 18:51
SECURITY OFF #1	2	CLARK, T **		Sick Leave	<Unassigned>			SH 8/9 19:18
UNIT A-1	5	VODA, J **		Sick Leave	<Unassigned>			SH 8/9 19:26
UNIT A-1	5	<Unassigned>			SNYDER, J **	Day Off	Y	SH 8/9 19:28
				Shift UNIT A-1 Day Off	Staff SNYDER, J ** SNYDER, J **		OT/CT Start	End OT 08:00 16:00
SHU #2	5	AITKEN, A		Sick Leave	<Unassigned>			SH 8/9 20:05
UNIT E-2	5	ORNER, M		Sick Leave	<Unassigned>			SH 8/9 20:05
SHU #2	5	<Unassigned>			FERENO	5 UNIT F-2		SH 8/9 20:07
[Inserted NCS]		GAMBONE, F		[Sick/Annual]				SH 8/9 20:08
UNIT E-2	5	<Unassigned>			GAMBONE, F	[Sick / Annual]		SH 8/9 20:08
UNIT E-2	5	GAMBONE, F		[Sick / Annual]	<Unassigned>			SH 8/9 20:09
[Sick / Annual]		GAMBONE, F		[Removed]				SH 8/9 20:09

****READ ONLY****
Friday August 10, 2018
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Post	Split	Shft	Officer	Relieved Officer's New Status	Relieving Officer	Relieving Officer's Previous Status	Ret Shft	Changed By
[Inserted NCS]			GAMBONE, F	[Sick/Annual]				
UNIT F-2	5		<Unassigned>	GAMBONE, F				
UNIT E-2	5		<Unassigned>	KOZA, B** Shift UNIT E-2 UNIT E-1				
(sp)EXTERNAL #3	5		<Unassigned>	LANGONE ** Shift EXTERNAL #3 SHIFT RELIEF #2				
(sp)EXTERNAL #4	5		<Unassigned>	SHARP,G*** Shift EXTERNAL #4 UNIT C-1				
(sp)DUNN WAYNE #1	6		<Unassigned>	TAYLOR, T.** Shift DUNN WAYNE #1 SCREENING SITE				
(sp)DUNN WAYNE #2	8		<Unassigned>	MROCZKA, J***				
[Inserted NCS]			PHILLIPS, D	[Sick/Annual]				
UNIT D-1	8		<Unassigned>	PHILLIPS, D				
INMATE COMM MON	6	BURGH, A	Sick Leave	SKARBEZ, J** Shift INMATE COMM MON UNIT B-2 #2				
[Inserted NCS]			POTTER, S	[Sick/Annual]				
COMPOUND #1	8	WORMUTH, J	Sick Leave	POTTER, S				
UNIT A-2 #2	6	BOYER, B**	UNIT E-2 #2 6	MELLAS, M** [SWAP]				
Assignment Swap								
(sp)EMER. MED TRP 1	6		<Unassigned>	DONVITO, M** Shift EMER. MED TRP 1 FRONT LOBBY				
(sp)EMER MED TRP 2	6		<Unassigned>	MELLAS, M** Shift EMER MED TRP 2 UNIT A-2 #2				
TOA	0	DOBRZYN**	[Time Change]	DONVITO, M** Shift TOA				
FOOD SERV LOAN	0	GRAHAM, G **	[Time Change]	MELLAS, M** Shift FOOD SERV LOAN				
BUS OFC #1	5	KELLY, M***	[Time Change]	GRAHAM, G ** Shift BUS OFC #1				
BUS OFC #2	5	IGOE, K **	[Time Change]	KELLY, M*** Shift BUS OFC #2				
[Inserted]		NICKERSON	[Sick/Annual]	IGOE, K ** Shift BUS OFC #2				
BUS LT	5		<Unassigned>	NICKERSON				

****READ ONLY******Friday August 10, 2018
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Post	Split	Shft	Officer	Relieved Officer's New Status	Relieving Officer	Relieving Officer's Previous Status	Ret Shft	Changed By	
BUS LT		5	NICKERSON	[Time Change]	Shift BUS LT	Staff NICKERSON	OT/CT OT	Start 04:00	End 12:00
Annual Leave			YOUNG, M **	TOA			LM 8/14	11:15	
Sick Leave		0	CONNOR, jon	Annual Leave			LM 8/20	13:25	
Annual Leave		0	COLLIER, J	LWOP			LM 8/20	13:57	
LWOP	Y	0	COLLIER, J	TOA	Shift TOA LWOP	Staff COLLIER, J COLLIER, J	OT/CT 12:00 08:00	Start 16:00 12:00	End

******Recapitulation******

Morning Watch	34
AM Watch	27
Day Watch	33
PM Watch	26
Evening Watch	20

****Back Page Categories****

Day Off	64
Annual Leave	16
Sick Leave	9
FFLA	1
MILITARY LEAVE	1
MILITARY / LWOP	1
TOA	3
AWOL	1
LWOP	3
OFFICIAL TIME	3
F/A TRN GLYNCO	1
ADMIN LEAVE	1

Total Correctional Svcs. Staff: 244
Non Correctional Svcs. Staff: 8

Overtime Occurrences: 16
Comptime Occurrences: 0

DEFENDANT
EXHIBIT
4

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JORDAN DONGARRA,)
)
Plaintiff,) CIVIL ACTION NO. 3:18-CV-1939
)
vs.)
)
D.SMITH)
)
Defendant.)

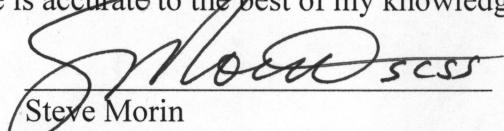
DECLARATION OF STEVE MORIN

I, Steve Morin, do hereby declare as follows:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as the Supervisory Correctional Systems Specialist at the Federal Correctional Complex located in Terre Haute, Indiana (“FCC Terre Haute”). In that role, I have oversight of the Receiving & Discharge (“R&D”) Department at all Complex institutions, including the United States Penitentiary (“USP”).
2. The operations of R&D at any BOP facility is vital to the operation of a federal correctional facility. Appropriate procedures in the R&D Department ensures for the interdiction of contraband into the facility as well as significantly assists in the safe and orderly operation of the institution by maintaining accountability of an inmate’s property following their designation and admission into the facility.
3. I am extremely familiar with the policies and procedures related to the admission as well as the discharge of an inmate from USP Terre Haute. I am also familiar with the general operations of this facility, including the items normally issued to an inmate at the time of his admission, the institutional programs available at USP Terre Haute as well as the security policies in place throughout the facility.
4. Presently, USP Terre Haute does not have a dedicated program for the housing and treatment of sexual offenders.
5. While the institution might house sexual offenders, these individuals are not housed and/or provided any form of clothing or type of identification which would indicate in any manner the basis of their underlying criminal conviction.

6. Moreover, on discharge from USP Terre Haute all inmates receive the same items to wear at the time of their transfer to another facility. Transferring inmates receive a "bus roll" which contains the clothing they will wear during their transfer to their next facility.
7. The "bus roll" used at all BOP facilities contains a white shirt and a pair of khaki pants. Neither of these items have any identifying marks indicating the institution the inmate came from, nor any other markings signifying the nature of inmates underlying criminal conviction.

I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.



Steve Morin
Supervisory Correctional Systems Spec.
FCC Terre Haute

5/21/19

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JORDAN DONGARRA,)	
)	
Plaintiff,)	CIVIL ACTION NO. 3:18-CV-1939
)	
vs.)	
)	
D.SMITH)	
)	
Defendant.)	

DECLARATION OF ERIN BONSHOCK

I, Erin Bonshock, do hereby declare as follows:

1. I am currently employed by the Federal Bureau of Prisons (“BOP”) as the Case Management Coordinator at the United States Penitentiary (“USP”) Canaan, located in Waymart, Pennsylvania.
2. As the Case Management Coordinator at USP Canaan I am extremely familiar with the standard procedures concerning an inmate’s admission into the facility. This includes the property and other identification materials issued to an inmate upon his arrival to the institution.
3. While inmates at USP Canaan do receive an identification card, there are no markings anywhere on this material indicating an inmate’s underlying criminal offense, nor is there anything on this card to signify that a specific inmate is a sexual offender. All inmates at the facility receive an identification card that contains their personal information in the same exact format.
4. Additionally, all inmates arriving at USP Canaan receive the standard uniform, which does not contain any markings indicating what institution the inmate was last housed at and/or the specific criminal offense he committed.

I hereby state under penalty of perjury pursuant to the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge.



Erin Bonshock
Case Management Coordinator
USP Canaan

6/13/19
Date

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JORDON DONGARRA,	:	No. 3:18-CV-1939
Plaintiff	:	
	:	
v.	:	(Caputo, J.)
	:	
OFFICER D. SMITH, et al.,	:	
Defendants	:	(Electronically Filed)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on June 13, 2019, she served a copy of the attached

**EXHIBITS IN SUPPORT OF THE BRIEF IN SUPPORT OF
DEFENDANT'S MOTION FOR DISMISS AND/OR
SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Williamsport, Pennsylvania.

Addressee:

Jordon Dongarra
Reg. No. 60707-060
USP Canaan
P.O. Box 300
Waymart, PA 18472

s/ Tammy S. Folmar
TAMMY S. FOLMAR, Contractor
Data Analyst/Legal Assistant